

**SEVENTY-FIFTH DAY.**

(Continued.)

Senate Chamber,  
Austin, Texas.  
May 23, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Bill Introduced.**

By unanimous consent, the rule relating to the introduction of bills after the first 52 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Oneal:

S. B. No. 567, A bill to be entitled "An Act reorganizing and changing the terms of court for the Thirtieth Judicial District by amending Subdivision 30 of Article 199. Revised Civil Statutes of 1925; validating service and process, and declaring an emergency."

Read and referred to Committee on Judicial Districts.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 95, Authorizing the enrolling clerk of the House to make certain corrections in H. C. R. No. 66.

H. C. R. No. 96, Authorizing the Board of County and District Road Indebtedness to hold a hearing on certain claims in Johnson County and to hand down a decision on said claims.

H. C. R. No. 98, Authorizing the enrolling clerk of the House to amend the caption of H. B. No. 459.

S. C. R. No. 58, Relative to an appropriation of four billion dollars (\$4,000,000,000), made by the Congress of the United States, to aid unemployment in the different States.

S. C. R. No. 63, Relative to a treaty between the Dominion of Canada and the United States, relat-

ing to the proposed St. Lawrence Waterway, etc.

S. C. R. No. 67, Relative to the appointment of a committee to draft and report to both Houses a detailed statement showing how and in what manner the appropriations for the several departments were reduced.

S. C. R. No. 69, Granting Judge Few Brewster permission to be absent from the State during court recess.

S. C. R. No. 70, Authorizing the Highway Commission to loan to the Texas Rehabilitation and Relief Commission such trucks as are available, terms to be mutually agreed upon by the Highway Commission and the Texas Rehabilitation and Relief Commission.

S. C. R. No. 39, Granting A. A. Ostermayer permission to sue the State.

S. C. R. No. 73, Urging the Federal Government to purchase lands in Texas for park purposes, in order to assist the unemployment situation in this State.

H. C. R. No. 80, Granting permission to the Lee Moore Contracting Company to sue the State on contract.

H. C. R. No. 88, Granting permission to R. P. Price to sue the State.

In compliance with the provisions of S. C. R. No. 67, the following have been appointed on the part of the House:

Kayton, Harman, Good, Scott, and Chastain.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**Motion to Re-commit.**

Senator Woodward moved to re-commit H. B. No. 91 to the Committee on Civil Jurisprudence.

The motion prevailed by the following vote:

Yeas—16.

Duggan.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Martin.	Small.
Moore.	Stone.
Parr.	Woodruff.
Rawlings.	Woodul.
Redditt.	Woodward.

## Nays—13.

Beck.	Murphy.
Blackert.	Neal.
Collie.	Oneal.
DeBerry.	Pace.
Fellbaum.	Poage.
Greer.	Purl.
Hornsby.	

Absent.

Patton.

Absent—Excused.

Cousins.

Senator DeBerry moved that the hearing on the bill be held some time today or tonight and that the bill be returned to its former position on the calendar—on the table subject to call—tomorrow morning without being printed. The motion prevailed.

## Senate Bill No. 440.

Senator Hopkins called up the motion to pass S. B. No. 440 notwithstanding the veto of the Governor. The motion was lost by the following vote:

## Yeas—17.

Beck.	Purl.
Duggan.	Rawlings.
Holbrook.	Regan.
Hopkins.	Small.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

## Nays—12.

Blackert.	Oneal.
Collie.	Parr.
DeBerry.	Patton.
Fellbaum.	Poage.
Greer.	Russek.
Martin.	Sanderford.

Absent.

Redditt.

Absent—Excused.

Cousins.

(Two-thirds vote required.)

## H. C. R. No. 95.

The Chair laid before the Senate:  
H. C. R. No. 95, Authorizing correction of H. C. R. No. 66.  
Read and adopted.

## H. C. R. No. 98.

The Chair laid before the Senate:  
H. C. R. No. 98, Authorizing correction of the caption of H. B. No. 459.

Read and adopted.

Senator Purl asked to be recorded as voting "No."

## Free Conference Report.

Senator Oneal sent up the following Free Conference Committee report:

Committee Room,

Austin, Texas, May 19, 1933.

Hon. Edgar E. Witt, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conferees, appointed to adjust the differences between the Senate and House of Representatives on

H. B. No. 303, A bill to be entitled "An Act to regulate the operation of corporations organized and incorporated under a pre-existing law in this State without capital stock and not for profit, which law has been amended or repealed or re-enacted, and which were operating and carrying on in this State immediately prior to January 1, 1933, the State-wide business of mutually protecting or insuring the lives of their members by assessments made upon their members, etc.; and declaring an emergency."

Beg to report that the differences have been adjusted and we recommend the adoption of the bill herewith submitted.

Respectfully submitted,

ONEAL,  
POAGE,  
PURL,  
COLLIE,  
MOORE,

On the part of the Senate.

RATLIFF,  
ALEXANDER,  
ANDERSON,  
of Johnson,  
KYLE, of

Palo Pinto.

WAGSTAFF,

On the part of the House.

H. B. No. 303.

A BILL

To Be Entitled

An Act to regulate the operation of corporations organized and incor-

porated under a pre-existing law in this State without capital stock and not for profit, which law has been amended or repealed or re-enacted, and which were operating and carrying on in this State immediately prior to January 1, 1933, the State-wide business of mutually protecting or insuring the lives of their members by assessments made upon their members; and revoking, repealing and canceling the charters of such corporations failing to comply with this Act and forever prohibiting said corporations from doing business in this State and providing for their liquidation; and revoking, repealing, and canceling the charters of all mutual relief or benefit associations exempt from the insurance laws of this State under the provisions of Article 2971a, Revised Statutes of 1879, and Article 3096 and 3096w of the Revised Statutes of 1895, failing to comply with the terms of this Act, and forever prohibiting said associations from doing business in this State, and providing for the liquidation of same; and excepting certain insurance companies and associations from the provisions of this Act, and providing that no other insurance laws unless expressly mentioned shall apply to the corporations operating under this Act; and providing penalties for the violations hereof; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas

**Section 1. Corporations Included.** Any corporation organized and incorporated under a pre-existing law in this State without capital stock and not for profit, which law has been amended or repealed or re-enacted, and which was operating and actually carrying on in this State immediately prior to January 1, 1933, the State-wide business of mutually protecting or insuring the lives of its members by assessments made upon its members may comply with the terms of this Act, subject to the subsequent provisions hereof.

**Sec. 2. Application for Certificate.** Any corporation entitled to and desiring to avail itself of the provisions of this Act shall within six months after the effective date of this Act make application to the Board of Insurance Commissioners for a certificate and permit to do business under

the terms of said Act. Said application shall be sworn to by the president or general manager of said corporation and shall contain the following:

(1) It shall have attached as exhibits a certified copy of the charter of said corporation, certified copies of all amendments, and a copy of all by-laws of said corporation certified by the secretary or general manager of the corporation to be true and correct.

(2) The name of the corporation.

(3) The location of its principal office.

(4) The titles of the officers of the corporation and the number of directors and the names of persons who will serve as officers and directors until another election is held.

(5) It shall state the facts with reference to the corporation as set out in the preceding section, to-wit:

(a) That said corporation was organized under a pre-existing law;

(b) That said law has been amended or repealed or re-enacted;

(c) That said corporation was operating and actually carrying on in this State immediately prior to January 1, 1933, the State-wide business of mutually protecting or insuring the lives of its members by assessments made upon its members.

(6) That the corporation at the time of making its application has a membership of at least five hundred members and that there is not outstanding against said corporation an unpaid final judgment of any court of competent jurisdiction more than ninety days past due.

(7) The application shall be accompanied by a financial statement on the form prescribed by the Board of Insurance Commissioners.

**Sec. 3. Certificate and Permit.** The Board of Insurance Commissioners may require such reasonable additional proof of the truth of the facts stated in said application as they may deem necessary, and upon consideration of said application and the proof furnished the said Board of Insurance Commissioners, if the corporation has in all things complied with the pertinent requirements and provisions of this Act, then the Board of Insurance Commissioners shall issue to the corporation a certificate and permit, the form of same to be prescribed by the said Board, authorizing and permitting the said corporation to carry

on its business in the State of Texas under the provisions of this Act.

But if it appears from said application or otherwise, that the corporation has not fully complied with the pertinent requirements and provisions of this Act, then the Board of Insurance Commissioners shall refuse said application and shall refuse to issue said permit.

No such corporation shall continue to operate in this State if the Board has notified it in writing of the refusal of the Board to issue it a certificate and permit. But any such corporation may within sixty days after receiving such notice file a suit in any district court of Travis County, Texas, to review the said action of the Board and may by trial de novo have all necessary relief both in law and equity to enforce its rights under this Act.

Nothing in this Act shall be construed to validate or otherwise sanction any unlawful act of any such corporation, except when such unlawful act may have been construed to be unlawful simply by reason of the fact that the law under which said corporation was created has since been repealed or amended so as to omit therefrom such corporations as are described in this Act.

Sec. 4. Deposits. Before any certificate or permit shall issue to any corporation under the terms of this Act, the corporation shall furnish the Board of Insurance Commissioners with evidence of the fact that the corporation has on deposit with some bank or trust company in this State subject to the payment of its obligations for benefits due under its policies or certificates wheresoever incurred a sum equal to the face value of the maximum loss insured by said corporation in any individual policy issued by it. Said deposit shall not be subject to check by the corporation, but the corporation may draw the interest, if any, accruing on said deposit. Said deposit shall be held for the protection of policy holders and claimants wheresoever the rights of said policy holders and claimants may have accrued or been incurred, the purpose of said fund being to guarantee the payment of the amount owing by the corporation on any valid claim against such corporation for benefits under a policy or certificate after determination by a court of final jurisdiction wherever rendered. Said deposit shall be sub-

ject to the extraordinary writs of attachment and garnishments as provided by the laws of this State, but said writs shall not issue until final judgment has been rendered against the corporation. If said fund shall become depleted or shall become impounded by some process of a court, then the Board of Insurance Commissioners shall require the corporation to immediately restore said deposit to its original sum, and upon the failure of the corporation to so restore said deposit within ten days after such notice, the Board of Insurance Commissioners shall call upon the Attorney General to proceed against the corporation as provided in Section 13 of this Act.

Sec. 5. Annual Statement. On or before the 1st day of March of each year each corporation availing itself of the provisions of this Act shall file with the Board of Insurance Commissioners complete and full sworn statement of its financial condition on the 31st day of December next preceding. Such statement shall plainly exhibit all real and contingent assets, and all liabilities and an account of income and disbursements to and from the mortuary fund during the year, and on blanks which the Commissioners shall furnish for the making of such annual statements. Upon examination of said report the Board of Insurance Commissioners, if such report shows that the corporation is in all things complying with this law shall issue such corporation a certificate of authority to transact its business in this State for the year next succeeding the filing of said report.

Sec. 6. Examination. The Board of Insurance Commissioners in addition to the annual report shall once in every two years or oftener, if deemed advisable, require the books and affairs of any corporation examined and audited by an accountant designated and commissioned by the Board of Insurance Commissioners. For the purpose of any examinations the Board and the auditor shall have free access to all books, papers and accounts of the corporation, and said cost, not to exceed twenty-five (\$25.00) dollars, per day for time required in making such examination and audit, and necessary expense, shall be paid by the corporation. Such corporation shall not be required to pay for more than two audits in one year, nor more than

twenty-five (\$25.00) dollars, per each one thousand members.

Sec. 7. (a) Officers Bond. Such corporation shall, by resolution adopted and entered on its minute books, a copy of which properly certified by president, secretary, or general manager, shall be filed with the Board of Insurance Commissioners, designate some officer who shall be responsible in the handling of the funds of the corporation. Such officer shall make and file a surety bond with a corporate surety company authorized to write surety bonds in this State, as surety, in the sum of not less than five thousand (\$5,000.00) dollars, payable to the Board of Insurance Commissioners for the use and benefit of said corporation, and which shall at all times be equal to the amount of the mortuary fund on hand, not to exceed twenty thousand (\$20,000.00) dollars, which said bond shall obligate the principal and surety to pay such pecuniary loss, not exceeding the penalty of the bond, as the corporation shall sustain of money or property by any act or acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction or willful misapplication on the part of the said officer, directly or through connivance with others, while employed as such officer or exercising powers of such office. In lieu of such bond any such officer may deposit with the Board of Insurance Commissioners cash (or securities approved by the Commission) which cash or securities shall be in the amount and subject to the same conditions as provided for said bond.

(b) Recovery on Bond. When the Board of Insurance Commissioners is informed that any officer of any such corporation has violated the terms of his said bond, the Board shall cause an audit or examination to be made, and if same reveal a violation, it shall immediately notify the company executing said bond, and if the Board deem it necessary, request the Attorney General to bring suit against such company under said bond or to enforce the liability against said cash or securities. It shall be the duty of the Attorney General to immediately file such suit in the name of the Board of Insurance Commissioners for the benefit of the corporation or its claimants. Such suit shall be brought in some

court of competent jurisdiction in Travis County, Texas.

Sec. 8. Branch Offices. No corporation operating under this Act shall be permitted to operate any independent branch office, separate group, club, or class, under any other name than that of said corporation, but all of its policies shall be issued in the home office of said corporation. Nothing herein shall be construed, however, as to prohibit any corporation hereunder from providing by its by-laws for the creation of separate groups, clubs, or classes, based upon such a reasonable classification as specified in the by-laws, and providing in the policies issued to the members of such groups, clubs, or classes that the benefits under said policies shall be limited to the assessments made, levied, and collected from any such particular group, club, or class, respectively. It is further provided that no stock or assets or benefits of any such particular group, club or class, shall be pledged, sold, or transferred without the consent of three-fourths of the members of such particular group, club, or class.

Sec. 9. Benefits. The relief funds of any corporation complying with and operating under the terms of this Act shall be created by assessments levied upon the members of said corporation. Such assessments may be made periodically upon such contingencies as may be provided in the by-laws of the corporation, or at such stated periods as in the discretion of the managing officer or officers of the corporation may be deemed necessary. The benefits to be paid by such corporation shall be dependent upon the amount realized from assessments upon the membership, and the certificate shall so provide; and the certificates shall also state the maximum to be paid. Such corporation shall provide in its by-laws for the portion of its assessments to be allotted to the mortuary fund and may provide for the payment out of said mortuary fund of all attorneys fees and necessary expenses arising out of the defense, settlement, or payment of contested claims.

The interest of a beneficiary in a life insurance policy or contract heretofore or hereafter issued shall be forfeited when the beneficiary is

the principal or an accomplice in wilfully bringing about the death of the insured. When such is the case, the nearest relative of the insured shall receive said insurance.

Sec. 10. By-laws. Each corporation shall submit to the Board of Insurance Commissioners a copy of its by-laws. Such by-laws shall contain all things required by this Act and shall not contain any provision in conflict with this Act. The by-laws shall provide for the periodical meetings of the membership and for special meetings, at which meetings all members shall be permitted to vote. The Board of Insurance Commissioners shall examine such by-laws, and if the same comply with the provisions of this Act shall signify their approval of same. If they shall not be in accordance with the provisions hereof, then the corporation shall make said by-laws conform hereto. Upon approval of the by-laws a copy duly certified to by the president or general manager and the secretary of the corporation shall be filed with the Board of Insurance Commissioners, and a copy duly certified by such Board shall be received in evidence in all the courts of this State. All policies issued by a corporation under this Act shall provide that said policy is subject to the by-laws of the corporation and all future amendments thereto. All amendments shall be filed with the Board of Insurance Commissioners in a like manner as the original by-laws. A certified copy of any changes in the by-laws of each such corporation shall be mailed to each of the stockholders and/or members at the next assessment after such change in the by-laws is made.

Sec. 11. Policies. No corporation hereunder shall issue any certificate or policy upon a limited payment plan, nor guarantee or promise to pay any type of endowment or annuity benefits, but shall confine its operation to the issuance of certificates looking to continuous payment premiums or assessments during the life time of the policy holder. And provided further that no such corporation shall issue any certificate or deposit agreeing to pay any benefits until a copy of such certificate or policy has been filed with the Board of Insurance Commis-

sioners and approved by them as being in compliance with this Act.

Every policy or certificate issued by any such corporation after the passage of this Act shall contain a provision that if said policy has been continuously in force for a period of two years before the death of the insured member, then said policy shall be incontestable except for non-payment of dues or assessments. Nothing in any application for the policy shall constitute a defense against any claim or loss under the policy unless a copy of said application is attached to the policy, and no misrepresentation therein shall constitute a defense unless same shall be shown to be material to the risk assumed, and any person who shall solicit an application for insurance upon the life of another shall in any controversy between the insured and his beneficiary and the company issuing any policy upon such application, be regarded as the agent of the company, and not the agent of the insured, but such agent shall not have power to waive, change or alter any of the terms or conditions of the application or policy.

Sec. 12. No corporation operating under this Act shall write any policy or certificate of insurance calling for a maximum benefit in excess of five thousand (\$5,000.00) dollars, nor any policy or certificate of insurance unless the membership of said corporation, liable for assessments on said policy or certificate or group or class or club liable therefor shall be sufficient in number at the assessment rate charged said class to pay 50% of the maximum benefit set forth in said policy or certificate. In the event the membership in any group, class, or club of said corporation shall fall below such number, then the corporation shall immediately notify the members of such group, class, or club, and if said membership is not increased to said number within six months thereafter, said group, class, or club shall be consolidated with some other group, class, or club, or discontinued. In the event any corporation hereunder has only one class, group, or club, then in the event the membership of said corporation shall at any time fall below 50% of the number required at the

assessment rate charged to pay the maximum benefit provided by any one of its policies or certificate, the corporation shall immediately notify the members of the corporation, and unless the membership is increased to said number within six months thereafter, the Attorney General shall take steps under Section 13 of this Act to bring about the liquidation of said corporation.

Sec. 13. Insolvency. At any time the Board of Insurance Commissioners, after investigation, shall be satisfied that any corporation operating under the provisions of this Act in this State is insolvent, because the death claims due and unpaid which have matured under policies written after such corporation complied with the terms of this Act exceed the assets of the corporation and assessments or periodical payments called, or to be called, or in the process of collection, or which may reasonably be made against the members subject to assessment, or has exceeded its powers, failed to comply with any provision of the laws of this State applicable to it, or has a membership of less than five hundred paying their assessments, the Board shall report the fact to the Attorney General of this State who shall thereupon apply to any court in Travis County having jurisdiction thereof for leave to file a suit in the nature of quo warranto to forfeit the charter of such corporation or to require it to comply with the law or to satisfy the Board as to its solvency. The court may, in its discretion, appoint agents or receivers to take charge of the effects and wind up the business of the corporation, under usages and practices of equity, and may make disposition of the business and membership of the corporation as in the discretion of the court may seem proper. No suit for receiver shall be filed against any such corporation, nor shall any receiver be appointed, except upon the application therefor by the Attorney General, and in no event shall any receiver for any such corporation be appointed until after reasonable notice has issued and a hearing had before the court.

Sec. 14. Corporations Not Complying. No person, firm, unincorporated, association, or corporation shall carry on in this State the State-

wide business of mutually protecting or insuring the lives of its members by assessments made upon its members except under the terms of and by complying with the provisions of this Act. The charter of each corporation in this State entitled to comply with the terms of this Act which does not make application to do so within six months after the Act shall go into effect is hereby expressly repealed and revoked, and such corporation is hereafter forever prohibited from carrying on its business in this State. Each and every charter of every corporation and mutual relief or benefit association granted by the State of Texas under the authority of the Secretary of State of this State, which was or is exempt from the provisions of the insurance laws of this State by the terms of Article 2971a, R. S. 1879, (Article 3096, Revised Statutes 1895) and Article 3096w, Revised Statutes 1895, which corporations do not make application to comply with the terms of this Act within six months after the Act takes effect, is hereby expressly repealed and revoked and said corporations are hereafter forever prohibited from carrying on any business in this State. It is the expressed intent of this section and this Act to revoke, repeal and cancel the charter of every corporation, dormant or otherwise, exempt from the insurance laws of this State by Article 2971a, Revised Statutes 1879, and Article 3096 and 3096w, Revised Statutes of 1895, which fails to comply with the terms of this Act. The charters of all corporations complying with this Act are expressly continued in force during the terms of said charters subject to the provisions hereof. It shall be the duty of the Attorney General of this State immediately upon the expiration of six months after the effective date of this Act to take necessary action by quo warranto, application for receiver, or otherwise to enforce the forfeiture of charters as provided herein and to liquidate and close the affairs of any corporation herein referred to which has failed to comply with the terms of this Act.

Sec. 15. Penalty. Any person or persons violating any of the provisions of this law shall be deemed

guilty of a misdemeanor and upon conviction shall be fined in any sum not more than Five Hundred (\$500.00) Dollars. Any responsible officer of any corporation permitting or participating in the violation of this law by any corporation shall be deemed guilty of a violation of this Act and subject to the penalties herein.

The Attorney General shall be authorized to enforce in addition to the rights of forfeiture provided herein the penalty provided in this section against any corporation or unincorporated association which shall be guilty of the violation of any of the provisions of this law. The venue of any suit or prosecution under this section may be in Travis County, Texas.

Sec. 16. Service of Process. In all law suits brought against a corporation operating under this Act, service of citation shall be served upon the president, any active vice-president, secretary, or general manager of said corporation or upon the Chairman of the Board of Insurance Commissioners of this State within the time required for service upon individuals. The Board, when served with citation for such a corporation, shall forthwith transmit the same by Registered Mail to the corporation at the postoffice address as designated in records on file with the Board of Insurance Commissioners.

Sec. 17. Venue. In all actions brought against corporations operating under this Act growing out of or based upon any right of claim or loss or proceeds due, arising from or predicated upon any claim for benefits under any policy or contract of insurance issued by such corporation, venue shall lie in the county where the policy holder or beneficiary instituting such suit resides or in the county of the principal office of such corporation.

Sec. 18. Fees. For filing original application for certificate to operate under this Act, each corporation shall pay a filing fee of Twenty (\$20.00) Dollars, to the Board of Insurance Commissioners. The Board shall also charge a fee of One (\$1.00) Dollar per each certificate and permit to do business issued. For filing each annual report the Board shall charge a filing fee of

Ten (\$10.00) Dollars. All of said fees upon receipt shall be paid into the general fund of the State.

Sec. 19. Exceptions and Exemptions. This Act shall in no wise affect or apply to companies operating as local mutual aids, as fraternal benefit societies, reciprocal exchanges, or to foreign assessment companies operating under any other law in this State, or any other form of insurance other than those corporations carrying on in this State the State-wide business of mutually protecting or insuring the lives of their members by assessments made upon their members. Except as herein expressly provided, no insurance law of this State shall apply to any corporation operating under this Act, and no law hereafter enacted shall apply to them unless they be expressly designated therein.

Sec. 20. Constitutionality. If any section, subsection, sentence or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act, it being the intent of the Legislature that such remaining portion shall operate as a valid law.

Sec. 21. Emergency Clause. The fact that the Supreme Court of Texas and the Court of Civil Appeals for the Third Supreme Judicial District of Texas have recently upheld legality and validity of the charters of certain corporations in this State carrying on a State-wide business of mutually protecting or insuring the lives of their members by assessments upon their members and there is no law upon the statute books regulating or controlling the operation of said corporations, and corporations similarly operating, and said corporations are without adequate supervision of the Board of Insurance Commissioners of the State of Texas, creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three separate and several days in each House shall be suspended, and that this bill be placed upon its third reading and final passage, and take effect from and after its passage, and said rule is hereby suspended, and it is so enacted.



Read and adopted by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

#### House Resolutions Referred.

H. C. R. No. 96, referred to Committee on State Highways and Motor Traffic.

H. C. R. No. 80, referred to Committee on State Highways and Motor Traffic.

H. C. R. No. 88, referred to Committee on State Highways and Motor Traffic.

#### Governor's Messages Referred.

On motion of Senator Murphy, the Governor's messages received by the

Senate yesterday were referred to the Committee on Civil Jurisprudence.

#### Committee Appointed.

The Chair appointed the following on the part of the Senate in connection with S. C. R. No. 67:

Holbrook, Beck, Woodward, Redditt, and Woodruff.

#### S. C. R. No. 74.

Senator Parr sent up the following resolution:

Granting the Browne Land and Cattle Company, et al., permission to maintain a cross action and/or original suit against the State of Texas.

Whereas, As a result of a double rendition Browne Land and Cattle Company, et al., did pay to the State of Texas and its subdivisions, taxes from the year 1908 to 1924, inclusive, upon 3040 acres of land, which

it did not in fact own, and at the same time the actual owners were paying taxes upon the same and identical land; and,

Whereas, By virtue of a duly entered decree and order of the 93rd District Court in a tax suit instituted by the State of Texas and in which said Browne Land and Cattle Company filed and prosecuted a cross action against the State successfully, the county tax collector did refund to said the Browne Land and Cattle Company and to the estate of J. G. Browne, the sum of excess taxes so paid; and

Whereas, The original decree by virtue of which said refund was made, is now being attacked by the State of Texas in the 93rd District Court of Texas, on the ground, among others that the State of Texas had never given its consent to be sued in the original suit; and,

Whereas, The defendants in this last said suit, should, in equity, and good conscience, be permitted to maintain their cross-action in said suit against the State of Texas, or in the event of non-suit by said plaintiff, to maintain an independent, new and original suit against the State and its subdivisions, for the purpose of properly determining the rights and equities of the respective parties in all matters connected with or growing out of said original suit, and to forever set at rest all matters of controversy in connection therewith: Now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring therein, That Browne Land and Cattle Company, a private corporation, estate of J. G. Browne, deceased, F. S. Hofues, S. R. Sinkey, Worth Building and Investment Company, a private corporation, O. Em Jones, individually, and as ex-tax collector of Hidalgo County, Texas, and American Indemnity Company, a private corporation, are hereby granted permission to file and/or maintain a cross action in Cause No. 8166 now pending in the District Court, of the 93rd Judicial District of Texas, or in the event of non-suit or dismissal of said suit, by the plaintiff, then to institute and maintain in said court and judicial district their suit against the State of Texas, and said suit upon said cause of action shall

be tried and determined in the trial and appellate courts according to the same rules of law and procedure as to liability and defenses, as would be applicable to any private litigants.

That if any process be necessary against the State of Texas it may be issued and served upon the Attorney General of the State.

That the prosecuting of said cross action, or original suit, may be begun at any time within one year from this date, and that any cause of action accrued or to accrue in connection with the aforementioned subject matter shall not be barred by limitations until two years after this resolution becomes effective, and not then so long as said suit is pending.

PARR.

Read and referred to Committee on State Highways and Motor Traffic.

#### S. C. R. No. 75.

Senator Collie sent up the following resolution:

Whereas, On the 4th day of September, 1929, R. P. Price and wife of Mitchell County, Texas, by deed of that date duly recorded in the deed records of Mitchell County, Texas, sold and conveyed to Fred Brown a tract of land 60 feet by 45 feet out of lots numbers seventeen (17) and sixteen (16) in block No. thirty-eight (38) in the original town of Colorado, Mitchell County, Texas, which property is fully described in said deed of record in volume 77 on page 87 of the deed records of said county; and the said grantors in said deed did retain a first, vendor's lien upon said land to secure the payment of seven purchase-money notes for \$500.00 each, which lien was and is a first and prior lien upon said property, except for taxes; and,

Whereas, The last five of said notes are long past due and unpaid, both principal and interest, and said land is now not worth the amount due upon such first lien upon it, and the said Fred Brown is desirous of reconveying said property to the said R. P. Price in cancellation of said indebtedness and lien, but, owing to the fact that a number of judgments have been filed and abstracted against the said Fred

Brown in said county of Mitchell renders it necessary that a suit for foreclosure of said vendor's lien be brought, in order that a clear title, free of all junior liens may be had by the purchaser at the foreclosure sale of such property; and,

Whereas, On the 7th day of Aug. 1931, The State of Texas recovered a judgment in the 98th District Court of Travis County against the said Fred Brown, the Massachusetts Bonding & Indemnity Company and The American Surety Company of New York for the sum of \$21,732.37, with 8% interest from said date and \$38.85 costs of suit, and an abstract of said judgment was filed in Mitchell County, Texas, on September 1, 1931, and was duly recorded in the judgment lien records of said county, thereby fixing an apparent lien upon said property conveyed by R. P. Price and wife to Fred Brown, as aforesaid, as well as upon other real estate of the said Fred Brown in Mitchell County; and,

Whereas, In order to clear the title to said property, it is necessary that the State of Texas be made a party defendant to any suit brought by said R. P. Price, as the owner and holder of said vendor's lien notes given by said Fred Brown in part payment for said land; now, therefore be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That R. P. Price be and hereby is, granted permission to bring suit against the State of Texas in a court of competent jurisdiction as party defendants in a suit to foreclose the vendor's lien asserted by said R. P. Price upon the property conveyed by him to Fred Brown, and to determine the priority of the lien of the said R. P. Price, if any he can show, over that held by the State of Texas upon said property, and for general relief; and that service of citation in such suit, or other necessary process therein, may be had upon the Attorney General with the same force and effect as in civil cases.

COLLIE.

Read and referred to Committee on Civil Jurisprudence.

#### S. C. R. No. 76.

Senator Pace sent up the following resolution:

Authorizing Fred Childs to sue the State of Texas.

Whereas, On or about the 19th day of February, 1931, Fred Childs sustained and suffered permanent bodily injuries and was seriously and permanently damaged by the State Highway Department of Texas as a result of the negligent acts and omissions of an employee of said Highway Department of Texas in that said employee, the agent of said Highway Department of Texas, being the driver of a tractor, negligently and recklessly drove a tractor over the body of the said Fred Childs, seriously and permanently injuring the left leg of the said Fred Childs, fracturing the bones in said leg and cutting and tearing the muscles of said leg; and

Whereas, Said negligent acts and omissions of the said Highway Department of Texas, its agents and servants, occurred in the County of Wharton on Highway No. 60, three or four miles south of the town of Wharton as hereinabove outlined and detailed; and

Whereas, The said Fred Childs has never been compensated by the State of Texas or by the Highway Department of the State of Texas or by anyone else for the said injuries and damages resulting to him as a result of the said negligent acts and omissions of the said Highway Department of Texas, its agents and servants; Now Therefore, Be It

Resolved by the Senate, the House of Representatives concurring, That the said Fred Childs be and he is hereby granted permission to sue the State of Texas for damages for the personal injuries sustained, as aforesaid, in a court of competent jurisdiction in order to determine compensation for damages for the personal injuries so sustained, and that such suit shall be tried and determined in the trial and appellate courts of this State according to the same rules of law and procedure, as to liability and defenses, as if such suit were against an ordinary corporate defendant; and it is hereby provided that if such suit be instituted under the provisions of this resolution, service of citation or other necessary process shall issue according to the rules of law governing such process in civil cases,

and that such process if and when issued, shall be directed to the Chairman of the Highway Commission of Texas, the Attorney General of the State of Texas, and that service of process upon State Officials shall be deemed sufficient.

PACE.

Read and referred to Committee on State Highways and Motor Traffic.

#### Senate Bill No. 433.

The Chair laid before the Senate on its second reading the following bill:

By Senator Holbrook:

S. B. No. 433, A bill to be entitled "An Act making an appropriation of twenty-five thousand dollars or so much thereof as may be necessary for the construction of a fire-proof and burglar-proof vault in the State Treasury Department, and the installation of a burglar alarm system in said department, and declaring an emergency."

Recess.

On motion of Senator Martin, the Senate, at 12:07 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### S. C. R. No. 75.

The Chair laid before the Senate: S. C. R. No. 75, Granting R. P. Price permission to sue the State. The resolution was read.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The resolution was adopted.

Senator DeBerry asked to be recorded as voting "No."

#### Senate Bill No. 433.

The question recurred upon S. B. No. 433.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 433 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Neal.
DeBerry.	Purl.
Moore.	Woodul.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodruff.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Cousins.	Neal.
DeBerry.	Purl.
Moore.	Woodul.

Senate Bill No. 126.

The Chair laid before the Senate on its second reading as special order the following bill:

By Senator Rawlings:

S. B. No. 126, A bill to be entitled "An Act establishing the procedure under which counties may adopt home rule charters, under Section 3, Article 9, of the Constitution."

The Chair substituted for S. B. No. 126 the following House bill on the same subject:

H. B. No. 928, A bill to be entitled "An Act to make provisions for: (Section 1): To anticipate the submission and adoption of the proposed constitutional amendment to provide for the adoption of a home rule charter by any county in Texas, upon a vote of the qualified resident electors of any county, all as proposed in the pending S. J. R. No. 3. Reference to said proposed amendment to the constitution in the exact form for submission to the electors of the State here is made, to the same effect as though it were embodied herein. Further providing (Section 21 hereof) that no county charter provision impairing the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway, and health systems of the State, or any department of the State's superior government may have effect as against the State, etc."

Senator Moore called for a full reading of the bill.

Senator Rawlings moved that further reading of the bill be dispensed with.

Senator Moore sent up the following written point of order:

I make the point of order that the Senate cannot by any vote set aside a provision of the constitution unless the constitution specifically authorizes and permits such action on the part of the Senate.

MOORE.

The point of order was read.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that the point of order was not applicable.

Senator Moore raised the point of order that a quorum was lacking. The roll call showed the following present:

Beck.	Martin.
Collie.	Moore.
DeBerry.	Murphy.
Duggan.	Neal.
Fellbaum.	Oneal.
Greer.	Pace.
Holbrook.	Parr.
Hopkins.	Patton.
Hornsby.	Purl.

Rawlings.  
Redditt.  
Sanderford.  
Small.

Stone.  
Woodul.  
Woodward.

Absent.

Blackert.  
Poage.  
Regan.

Russek.  
Woodruff.

Absent—Excused.

Cousins.

The Chair, Lieutenant Governor Edgar E. Witt, submitted the question as to whether the bill should be read in full to the Senate. The Senate voted not to have the bill read by the following vote:

Yeas—4.

Hopkins.  
Moore.

Patton.  
Purl.

Nays—15.

Collie.  
Fellbaum.  
Hornsby.  
Martin.  
Murphy.  
Neal.  
Oneal.  
Pace.

Parr.  
Rawlings.  
Redditt.  
Sanderford.  
Small.  
Woodul.  
Woodward.

Present—Not Voting.

Beck.  
DeBerry.

Absent.

Blackert.  
Duggan.  
Greer.  
Holbrook.  
Poage.

Regan.  
Russek.  
Stone.  
Woodruff.

Absent—Excused.

Cousins.

Senator Rawlings sent up the following amendments:

Amend H. B. No. 928 as engrossed in the House by changing the word "giving" in the last line on page 8 to the word "having."

RAWLINGS.

Read and adopted.

Amend the caption to conform to the body of the bill.

RAWLINGS.

Read and adopted.

The bill was passed to third reading.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 928 was put on its third reading and final passage by the following vote:

Yeas—21.

Beck.  
Collie.  
Duggan.  
Fellbaum.  
Greer.  
Hopkins.  
Hornsby.  
Martin.  
Murphy.  
Neal.  
Oneal.

Pace.  
Patton.  
Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Woodul.  
Woodward.

Nays—1.

Moore.

Absent.

Blackert.  
Holbrook.  
Parr.

Poage.  
Stone.  
Woodruff.

Absent—Excused.

Cousins.  
DeBerry.

Purl.

Read third time and finally passed.

#### Message from the House.

Hall of the House of Representatives,  
Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 43, A bill to be entitled "An Act creating a District Court for Montgomery County, Texas, constituted and to be known as the One Hundred and Twenty-seventh Judicial District Court of Texas; prescribing the terms for said court, fixing the duration of this Act; providing the disposition of the records of said Court at the expiration of said One Hundred and Twenty-seventh Judicial District Court, etc., and declaring an emergency."

H. B. No. 299, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening, or establishment of stores in this State; prescribing the license and filing fees to be paid therefor, and the disposi-

tion thereof, and the powers and duties of the Comptroller of Public Accounts in connection therewith, and prescribing penalties for the violation thereof, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill and resolution:

H. B. No. 167.

H. C. R. No. 94.

#### Senate Bill No. 535.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senators Beck, Purl, Moore:

S. B. No. 535, A bill to be entitled "An Act amending Article 6166, of the Revised Civil Statutes of Texas, 1925, as amended by the Acts of the Fortieth Legislature, Regular Session, 1927, by adding thereto a new Section; relating to the removal of prisoners to the penitentiary; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 535 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

#### Senate Bill No. 200.

The Chair laid before the Senate on its second reading by unanimous consent the following bill:

By Senator Small:

S. B. No. 200, A bill to be entitled "An Act defining 'machine gun,' 'crimes of violence,' and 'person'; making it an offense to possess or use machine guns in the perpetration or attempted perpetration of crimes of violence; making it an offense to possess a machine gun for offensive or aggressive purposes; prescribing that proof of possession shall be prima facie evidence that a machine gun was possessed or used for offensive or aggressive purposes; prescribing that presence of a machine gun in a room, boat, or vehicle shall be prima facie evidence of the possession of each person in such room, boat, or vehicle; providing exceptions where machine guns are manufactured for military forces or peace officers, or possessed for scientific purposes or as relics or keepsakes, or where the machine gun is of a certain caliber; providing for registration showing the handling of machine guns; etc., and declaring an emergency."

The committee amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Purl the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 200 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

Read third time and finally passed the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Cousins.

#### Senate Bill No. 228.

The Chair laid before the Senate on its second reading, as special order, the following bill:

By Senator Poage:

S. B. No. 228, A bill to be entitled "An Act making it unlawful for persons bearing certain relations to other persons regularly employed by the State, or any of its political or governmental subdivisions or districts, to knowingly receive compen-

sation from the State or from any such subdivision or districts, and making it unlawful for any person to knowingly approve any account or authorize a drawing of any warrant or order to pay any such compensation to such persons, providing a penalty, and declaring an emergency."

Read second time.

The committee amendment was read.

Senator Poage sent up the following substitute for the committee amendment:

Amend S. B. No. 228, by adding thereto a new section immediately following Section 2 thereof, to be known as Section 3, to read as follows:

"None of the provisions of this Act shall apply to any person where the combined compensation of any husband and wife, or of any parent and minor child above referred to, shall not exceed \$225.00 per month."

Also amend the bill by renumbering Sections 3 and 4 so as to hereafter be known as Sections 4 and 5, respectively.

Also amend the bill by inserting in the caption, after the word compensation, the following: "in excess of certain amounts."

POAGE.

Read and adopted.

The amendment, as substituted, was adopted.

Senator Holbrook moved to indefinitely postpone the further consideration of the bill. The motion was lost by the following vote:

Yeas—12.

Duggan.	Neal.
Fellbaum.	Pace.
Greer.	Patton.
Holbrook.	Regan.
Hopkins.	Woodul.
Martin.	Woodward.

Nays—15.

Collie.	Purl.
DeBerry.	Rawlings.
Hornsby.	Redditt.
Moore.	Russek.
Murphy.	Sanderford.
Oneal.	Small.
Parr.	Stone.
Poage.	

## Present—Not Voting.

Beck. Blackert.

## Absent.

Woodruff.

## Absent—Excused.

Cousins.

The bill failed to pass to engrossment by the following vote:

## Yeas—8.

Collie.	Oneal.
DeBerry.	Poage.
Hornsby.	Purl.
Murphy.	Small.

## Nays—14.

Duggan.	Parr.
Greer.	Patton.
Holbrook.	Regan.
Hopkins.	Sanderford.
Martin.	Stone.
Moore.	Woodul.
Pace.	Woodward.

## Present—Not Voting.

Blackert. Russek.

## Absent.

Beck.	Rawlings.
Fellbaum.	Redditt.
Neal.	Woodruff.

## Absent—Excused.

Cousins.

## Special Order Set.

Senator Moore received unanimous consent to substitute S. B. No. 338 for S. B. No. 286 as special order on the calendar.

## House Bill No. 923.

The Chair laid before the Senate on its second reading, by unanimous consent, the following bill:

H. B. No. 923, A bill to be entitled "An Act to empower certain cities in this State therein defined to build, construct, own, maintain and operate a bridge or bridges over and across any stream, inlet or arm of the Gulf of Mexico or entrance channel to a port in said city and to enact all necessary and reasonable ordinances, providing rules and regulations for the operation of same and providing that no such bridge constructed, maintained and op-

erated over any entrance channel to any port operated by any navigation district without a permit from the navigation and canal commissioners of said district upon condition fixed by said permit and providing that said navigation and canal commissioners shall have the power to prescribe reasonable rules and regulations for the operation of said bridge and direct control over the mechanical facilities of said bridge for the clearance of the channel for ingress and egress of vessels to said port, etc., and declaring an emergency."

## Read second time.

The two committee amendments were adopted.

The bill was passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 923 was put on its third reading and final passage by the following vote:

## Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

## Absent—Excused.

Cousins.

Read third time and finally passed by the following vote:

## Yeas—27.

Beck.	Murphy.
Blackert.	Neal.
Duggan.	Pace.
Fellbaum.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.



Russek.	Woodruff.
Sanderford.	Woodul.
Small.	Woodward.
Stone.	

Nays—2.

Collie.	DeBerry.
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Absent.

Oneal.

Absent—Excused.

Cousins.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. C. R. No. 54, Granting permission to N. E. Ross, Roy Johnson, Dan E. Cook, Rose M. Cook, and F. W. Johnson to sue the Game, Fish, and Oyster Commission of Texas and the State of Texas.

H. C. R. No. 55, Granting permission to Tom Loftas to sue the Game, Fish, and Oyster Commission of Texas and the State of Texas.

H. C. R. No. 76, Granting J. M. McCarty permission to sue the State Highway Department of the State of Texas.

H. C. R. No. 77, Granting Ben Martin permission to sue the State of Texas, and the State Highway Commission of Texas.

H. C. R. No. 87, Granting permission to C. W. Franks to sue the State of Texas and the Livestock Sanitary Commission of Texas.

H. B. No. 324, A bill to be entitled "An Act appropriating the sum of twelve thousand, two hundred and fifty (\$12,250.00) dollars, or so much thereof as may be necessary, for expenses of investigation, preparation and prosecution of suit against the State of New Mexico for wrongful and inequitable diversion of the waters of the Pecos River, and declaring an emergency."

H. B. No. 528, A bill to be entitled "An Act providing relief for the Flat Creek Common School District of Henderson County, Texas, in order to aid said school district in rebuilding and equipping its school, destroyed by fire, on or about January 20,

1933; making an appropriation for said purpose; and declaring an emergency."

H. B. No. 666, A bill to be entitled "An Act providing relief for the Agricultural and Mechanical College Substation No. 3, located in Brazoria County, Texas, in order to add necessary repairs, and reconstruct all property and equipment destroyed by the great hurricane which swept over the vicinity of said Substation on August 31, 1932; making an appropriation to said Agricultural and Mechanical Substation No. 3, for said purposes, and creating an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills Referred.

H. C. R. No. 55, referred to Committee on State Affairs.

H. C. R. No. 54, referred to Committee on State Affairs.

H. C. R. No. 76, referred to Committee on State Highways and Motor Traffic.

H. C. R. No. 77, referred to Committee on State Affairs.

H. C. R. No. 87, referred to Committee on State Highways and Motor Traffic.

H. B. No. 324, referred to Committee on Finance.

H. B. No. 528, referred to Committee on Finance.

H. B. No. 666, referred to Committee on Finance.

#### Recess.

On motion of Senator Woodward, the Senate, at 4:36 o'clock p. m., recessed until 9:30 o'clock tomorrow morning.

#### APPENDIX.

##### Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 67 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on En-

rolled Bills, have had S. C. R. No. 63 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 39 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 73 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 58 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 70 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 69 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 513 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 50 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 62 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 556 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 504 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 130 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 75 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, May 23, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 433 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

#### Committee Reports.

Committee Room,

Austin, Texas, May 22, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 50, A bill to be entitled "An Act defining the offense of embezzlement by directors, officers, agents and attorneys at law or in fact, of incorporated companies or institutions, joint stock companies or voluntary associations, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 22, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 770, A bill to be entitled "An Act further prescribing the powers and duties of the Railroad Commission of Texas in respect to conservation of oil and gas and the regulation of production, storage, transportation and refining thereof; amending Article 6036, Revised Civil Statutes of the State of Texas of 1925, as amended by Section 3, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 567, A bill to be entitled

"An Act reorganizing and changing the terms of court for the 30th Judicial District by amending Subdivision 30 of Article 199, Revised Civil Statutes of 1925; validating service and process, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Chairman.

Committee Room,

Austin, Texas, May 22, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 514.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. C. R. No. 75 (Permitting R. P. Price to sue the State of Texas).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

H. B. No. 83, A bill to be entitled "An Act to provide for the Texas Prison Board, through its general manager, bidding for contracts to supply the State with printing, binding and supplies of like character with the Board of Control without a bond, and entering into such contracts with the Board of Control, without executing a bond, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be printed in the Journal.

PATTON, Chairman.

By Burns.

H. B. No. 83.

**A BILL  
To Be Entitled**

An Act to provide for the Texas Prison Board, through its general manager, bidding for contracts to supply the State with printing, binding and supplies of like character with the Board of Control without a bond, and entering into such contracts with the Board of Control, without executing a bond, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The general manager of the Prison System of Texas is hereby authorized for and in behalf of the Prison Board to bid for contracts with the Board of Control for the supplying to the State, printing, binding, stationery and supplies of like character for all departments, institutions and boards, to be governed by the rules of such bids, as are set out in Articles 608 and 610 of the Revised Civil Statutes of Texas, of 1925. Provided, that no bond will be required of the Prison Board to accompany said bid; and the general manager of the Prison System of Texas for and in behalf of the Prison Board may enter into a contract with the Board of Control, to supply to the State printing, binding, stationery and supplies of like character for all departments, institutions and boards, after having met the requirements and rules governing such bids, provided that no bond shall be required of the Prison Board of Texas, after a contract has been accepted by the Board of Control, as provided in Article 614, Revised Civil Statutes of Texas, of 1925. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 2. The fact that there is no adequate law providing for the Prison Board of Texas entering into a contract with the Board of Control to supply the State with printing, binding, stationery and supplies of like character, and on account of the fact that the Prison System is equipped with machinery for furnishing such supplies, and on account of the further fact that the State is losing thousands of dollars per year

because the Prison Board of Texas cannot enter into such contracts with the Board of Control, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 279, A bill to be entitled "An Act amending Sections 2, 3, 4, 6, and 14, Chapter 107, Acts of the Regular Session of the Forty-first Legislature, relating to the creation of the Board of Pharmacy and regulating pharmacies, drug stores and the sale of drugs, medicines and chemicals; placing all funds now held or collected by the Board of Pharmacy in the State Treasury in a fund to be known as the Board of Pharmacy Fund, and appropriating said Fund for said purposes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments, and be printed in the Journal.

BECK, Chairman.

Amend H. B. No. 279, by striking out the figure "2" immediately following the word "Sections" in Section 1, line 1.

Amend H. B. No. 279, by striking out all of Section 2.

Committee Room,

Austin, Texas, May 12, 1933.

Senator J. W. E. H. Beck, Chairman, Public Health Committee.

Sir: We, your sub-committee to whom was referred H. B. No. 279,

Have had the same under consideration, and beg leave to report it back with the recommendation that it do pass, with the following committee amendments:

Amend H. B. No. 279, Section 3, lines 1 and 2, after the word "paid" by striking out the words and figures "five (\$5.00) dollars," and substituting therefor the words and figures "ten (\$10.00) dollars."

Amend H. B. No. 279, Section 4, lines 5 and 6, after the words on line 5 "not to exceed" by striking out the words and figures "one hundred and twenty-five (\$125.00) dollars," and substituting therefor the words and figures "two hundred (\$200.00) dollars."

MOORE,  
SMALL,  
HOLBROOK.

By Reader, et al. H. B. No. 279.

A BILL  
To Be Entitled

An Act amending Sections 2, 3, 4, 6 and 14, Chapter 107, Acts of the Regular Session of the Forty-first Legislature, relating to the creation of the Board of Pharmacy and regulating pharmacies, drug stores and the sale of drugs, medicines and chemicals; placing all funds now held or collected by the Board of Pharmacy in the State Treasury in a fund to be known as the Board of Pharmacy Fund, and appropriating said fund for said purposes, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Sections 2, 3, 4, and 6 of Chapter 107, Acts of the Regular Session of the Forty-first Legislature are hereby amended so as to hereafter read respectively as follows:

"Sec. 2. In making the first appointment, the Governor shall appoint two members of said Board for two (2) years, two for four (4) years and two for six (6) years, and thereafter the term of each member shall be six (6) years so that the terms of two members shall expire every two (2) years. Vacancies on the Board shall be filled by the Governor for the unexpired term only. Provided that the Governor shall have power to remove from office any member of said Board for neglect of any duty or for any cause or causes which would be sufficient grounds for revoking the registration of any registered pharmacist as provided in Section 12, of Chapter 107, of the Acts of the Regular Session of the Forty-first Legislature.

"Section 3. Each member of the board shall be paid Five Dollars (\$5.00) per day for each day of attendance on meetings of the Board, not to exceed twelve (12) days for each regular session and not to ex-

ceed five (5) days for a special session, and time in going to and returning from meetings shall be included in computing said time, and in addition to said per diem each member shall receive expenses incurred while actually engaged in performance of the duties of the board and shall file with the secretary of the board certified receipts for all expenses incurred. Appointees and the secretary of the board shall, within thirty (30) days after their appointment, take, subscribe and file with the Secretary of State, the constitutional oath of office.

"Section 4. Said board, within thirty (30) days after appointment, shall meet and organize by electing a president, vice president and treasurer from its membership, and a secretary, who may or may not be a member of the Board. The salary of the secretary shall be fixed by the board, not to exceed One Hundred and Twenty-five Dollars (\$125.00) per month. The secretary and treasurer shall each be required to execute a bond in the sum of Ten Thousand Dollars (\$10,000.00), conditioned upon the faithful performance of his duties, said bonds to be made payable to the State of Texas. The Board shall have power to make by-laws and rules and regulations for its own government not inconsistent with the law governing it in the performance of its duties and the duties of its officers and employees, and shall have power to employ all necessary employees for the purpose of carrying out the provisions of this Act

"Section 6. The State Board of Pharmacy shall hold regular meetings twice each year for the examination of applicants for registration and for the transaction of such other business as may come before it and which it may lawfully do, and shall hold such additional special meetings as may be necessary, not to exceed two special meetings in any calendar year. The dates of all meetings may be set by the board and the place of the two regular meetings shall be in Austin, Texas. Any additional special meeting or meetings may be held in any such place or places as may be designated by the president of the board. The

members and officers, including the secretary of the board, shall be empowered to administer any and all oaths necessary to be administered in connection with the duties of the Board. The Board shall make annually, to the Governor of the State, a written report of its proceedings and an itemized account of its receipts and disbursements under this Act; also names of any and all pharmacists duly registered under this Act during the fiscal year for which said report is made and the names of all pharmacists whose licenses or permits have been cancelled with memoranda of the grounds upon which such licenses or permits were cancelled during the fiscal year."

Sec. 2. Section 14 of Chapter 107, Acts of the Regular Session of the Forty-first Legislature is hereby amended so as to hereafter read as follows:

"Section 14. Every registered pharmacist who desires to continue the practice of pharmacy in this State shall annually on or before the second day of January of each year, pay to the secretary of the board, a fee of One Dollar (\$1.00). If any such registered pharmacist fails or neglects to procure his renewal of registration before March 1st, of any year, his name shall be erased from the register of licensed pharmacists, and in order to regain registration, he shall be required to pay one annual renewal registration fee in advance, in addition to any and all other fees at that time due by him to be paid, and in the payment of which he may be in arrears. All moneys formerly collected by the board under the provision of this Act and now held by said board and all annual registration fees hereafter collected by said board and any and all current revenues derived, and which may be derived in the future, by said board from any source whatever, and collected by said board, shall be placed in the State Treasury to the credit of a special fund to be known as the Board of Pharmacy Fund; and the Legislature shall have power to make, and shall make appropriations out of said fund to the use of, and to be used by the board, and under its direction, such sum or sums as may be necessary for the

use of said board in the enforcement of the laws of this State as provided in this Act and any and all other laws of this State governing the practice of pharmacy or the sale of drugs, medicines or chemicals, and all of said funds are hereby appropriated for said purposes."

Sec. 3. The fact that a portion of the pharmacy law of this State has been held to be unconstitutional and that it has been found that the law is inadequate to meet present conditions and in order that the health of the people be better protected, create and constitute an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each House on three several days be suspended, and this Act take effect and be in full force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 183, A bill to be entitled "An Act regulating the occupation and practice of beauty operators; providing for the appointment of three female members to the State Barber Board to supervise the licensing of persons, firms, associations or corporations to carry on and/or teach beauty culture practice; providing rules regulating the practice of beauty culture and the teaching of beauty culture and the operation of beauty shops in this State; making an appropriation of \$35,000.00 out of registration fees for the carrying out of this Act; providing the basis for paying employees; providing a penalty for violation."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute do pass and be printed in the Journal.

BECK, Chairman.

C. S. H. B. No. 183.

A BILL

To Be Entitled

An Act creating the State Board of Beauty Culture; prescribing the

qualifications, length of terms, mode of appointment, salaries, and duties of the members of the Board; requiring schools of Beauty Culture, proprietors of beauty shops, and those engaged in the practice of beauty culture to procure a license; fixing the fee for all licenses and the disposition of such fees; prescribing qualifications for those engaged in the business of conducting schools of beauty culture and those engaged in the practice of the art of beauty culture; providing that no hair cutting shall be done in beauty shops except by licensed barbers; providing for the licensing of people now engaged in the practice of beauty culture; making it an offense to engage in the practice of beauty culture and hair dressing, or to act as proprietor of a beauty shop or as proprietor, teacher, or instructor of a school of beauty culture without having obtained a license; making it an offense to violate any provision of this Act and prescribing the penalty; requiring the Board to inspect beauty shops and schools of beauty culture at least once each year, authorizing the employment of inspectors and fixing the salary of such inspectors; authorizing the Board to make rules and regulations in the interest of public health and efficiency of operators; and declaring an emergency.

Section 1. The State Board of Beauty Culture is hereby created to consist of three members; one of whom shall be the State Health Officer, one of whom shall be the chairman of the State Board of Barber Examiners and the other shall be a woman, appointed by the Governor, who shall serve for a term of two years and who shall be a beautician of at least five (5) years practical experience in the Art of beauty culture. The State Health Officer shall be the ex-officio chairman of said board and the beautician shall serve as executive secretary of said board.

Sec. 2. The State Health Officer and the chairman of the State Board of Barber Examiners shall receive a salary of twenty-five (\$25.00) dollars per month, each, for their services; the executive secretary shall receive a salary of one hundred fifty (\$150.00) dollars per month for her

services; and the members of the Board shall receive actual and necessary traveling expenses to attend meetings of the Board. The Board, if it deems necessary, shall be authorized to employ two stenographers at a salary of one hundred ten (\$110.00) dollars per month. All such salaries and expenses shall be paid out of funds collected under the provisions of this Act.

A member of the Board shall be deemed to have qualified when he shall have taken the constitutional oath of office, except the executive secretary, who shall, in addition thereto, execute a bond in the penal sum of five thousand (\$5000.00) dollars, payable to the State of Texas, conditioned upon the faithful discharge of the duties of such office and the proper disposition of all funds coming into his hands, and shall file said bond with the Secretary of State.

Sec. 3. Said Board shall present annually, to the Governor, in the month of August, a detailed statement of the receipts and disbursements of the Board during the preceding fiscal year, together with a statement of its acts and proceedings, and such recommendations as it may deem proper.

Sec. 4. The following words and phrases when used in this Act shall be construed as follows:

(a) The practice of beauty culture and hairdressing shall mean the engaging by any person for hire or reward in any one or more of the following practices: The application of the hands or mechanical or electrical apparatus, with or without cosmetic preparations, tonics, lotions, creams or clays, to massage, cleanse, stimulate, exercise or otherwise to improve or beautify the scalp, face, neck, shoulders, arms, bust or upper part of the body of any female person, or to arrange, dress, curl, cleanse, cut, singe, bleach, color or similarly treat the hair, or to manicure the finger nails, of any person; provided that no person engaged in beauty culture and hairdressing shall perform any function that might be construed as practicing medicine or surgery.

(b) "Operator" shall mean any person who engages for compensation in any of the practices of the

classified occupation named within this Act.

(c) "Beauty Shop" shall mean any premises occupied and used for the purpose of practicing the occupation of beauty culture and hairdressing; provided that when any such shop is conducted in any building used for residential or sleeping purposes, a separate room or rooms, with both hot and cold running water, shall be set apart from the living premises for the practices of the foregoing occupations and shall not be used for any other purpose.

(d) "School" means any school or college teaching the arts and sciences of beauty culture and hairdressing.

(e) "Board" shall mean the State Board of Beauty Culture.

Sec. 5. On and after the effective date of this Act, no person, firm or corporation shall be permitted to engage in the business of teaching the art of beauty culture, or to practice the art of beauty culture or the profession of beauty culture and hairdressing within the confines of the State of Texas, unless such person, firm or corporation shall have complied with the provisions of this Act.

Sec. 6. The Board shall make rules and regulations governing the operation of all schools teaching beauty culture and hairdressing, and when such a school shall have complied with the provisions of this Act, the Board shall, upon the payment of a fee of ten (\$10.00) dollars, issue its certificate of approval to such school, and thereafter such school shall be known as "An Accredited School of Beauty Culture." This certificate must be renewed for each calendar year, and for each renewal a fee of ten (\$10.00) dollars shall be paid.

Sec. 7. No school for the teaching of beauty culture and hairdressing shall be accredited unless it is conducted by persons of good moral character, wherein a sufficient number of certified instructors, who shall hold operators' licenses, are employed, and wherein a course of training of not less than one thousand hours is given. Such course shall include practical demonstrations, written and oral tests, and theoretical and practical instructions in sanitation, sterilization,

anatomy, physiology, and the use of cosmetics and electrical appliances, which course of study and instruction shall be subject to the approval of the Board.

Nothing contained in this Act shall prevent any duly accredited school teaching beauty culture and hairdressing from making a charge for student work done in said school, to cover the cost of materials used. All such student work shall be advertised and held forth as being student work, and not otherwise.

The Board may, by rule, apportion the number of hours to be given to each subject and may make general rules for the conduct of such schools, and may conduct examinations to determine the qualifications of instructors.

Sec. 8. No person, firm or corporation shall operate a beauty shop as defined in Section 3, paragraph (c) of this Act, without first procuring a license therefor from the State Board of Beauty Culture. The person or persons in charge of all such shops must have an operator's license as herein provided. The State Board of Beauty Culture may issue a license authorizing the person, firm or corporation to whom it is issued to conduct a business of beauty culture and hairdressing until the first day of January succeeding the date thereof. The fee for said license shall be five (\$5.00) dollars per annum, and said license shall be renewed on or before the first day of January of each succeeding year, and the holder of such license shall pay to the secretary of said Board the sum of five (\$5.00) dollars for such renewal.

Sec. 9. It shall be unlawful for any person to practice beauty culture and hairdressing as an operator, unless he shall first have obtained a license as provided in this Act.

Sec. 10. (a) Any person shall be eligible to obtain a license as an operator under this Act:

- (1) Who is at least 18 years of age;
- (2) Who is of good moral character;
- (3) Who shall furnish the certificate, under oath, of a physician duly licensed to practice in this State that such person is free from contagious, communicable, or infectious disease;



(4) Who has satisfactorily completed a course of instruction in a school of beauty culture or hairdressing approved by said Board;

(5) Who has satisfactorily passed an examination conducted by said Board to determine his fitness to receive such license.

(b) Each applicant for such examination shall make written application therefor on a form prescribed and supplied by said Board, which application shall contain satisfactory evidence of the qualifications required of the applicant under this Act, and shall be sworn to by the applicant. Said application shall be filed with the secretary of said Board and shall be accompanied by an examination fee of five (\$5.00) dollars. Such license shall be renewed for each calendar year upon payment of a fee of one (\$1.00) dollar on or before January first of each year.

(c) Said Board shall hold each year, at such times and places as it shall designate, at least four (4) examinations to determine the qualifications of operators and conductors and instructors in schools teaching beauty culture. Notice shall be given in writing to the applicant at least ten (10) days before the holding of any such examination.

Sec. 11. The Board shall furnish to the proprietor of each beauty shop, who has complied with the provisions of this Act, a certificate showing that the holder thereof is entitled to operate a beauty shop in this State, and shall also furnish to each operator who has complied with the provisions of this Act, a certificate showing that the holder thereof is entitled to practice beauty culture and hairdressing. Said certificates shall be renewed on or before the first day of January of each year as herein provided. The Board shall at any time have power to revoke a certificate issued to the proprietor of any beauty shop or to any operator, whenever it appears to the Board that the proprietor or operator is grossly incompetent or that the beauty shop or appliances or furnishings are unclean and unsanitary, or for any cause which the Board may deem detrimental to public health or injurious to the patrons of such shop or operator.

Sec. 12. No hair cutting shall be done for pay in any beauty shop, school or other establishment, except

by a duly licensed or registered barber.

Sec. 13. Any person who has actively and continuously practiced beauty culture and hairdressing at an established place of business in this State for a period of two years prior to the adoption of this Act, shall be entitled to a license as an operator without examination, provided that said applicant produces satisfactory evidence that he or she has served as an apprentice in a beauty shop and has had two years' experience under a competent and qualified operator, upon payment of a fee of five (\$5.00) dollars; provided further, however, that such person shall, within thirty days after said Board shall have been appointed, file with the secretary of said Board an affidavit setting forth his name, residence, length of time during which, and the place or places where, he has practiced beauty culture and hairdressing. Any person licensed to practice beauty culture and hairdressing in another State, territory, District of Columbia, or foreign country, under requirements substantially equal to those stipulated by the State Board of Beauty Culture, shall upon payment of a fee of ten (10.00) dollars be entitled to a license in Texas.

Sec. 14. All fees collected for any and all certificates and licenses issued by said Board of Beauty Culture shall be deposited in the Treasury of the State of Texas in a special account for the Board of Beauty Culture, and all expenditures shall be made by voucher signed by the secretary of said Board and approved by the State Health Officer and presented to the State Comptroller of Public Accounts as provided by law; and provided further that no voucher shall ever be drawn or made on funds derived from any other source. So much of funds accruing under provisions of this Act as are necessary are hereby appropriated to carry out the provisions of this Act.

Sec. 15. Every person who shall engage in the practice of beauty culture and hairdressing as an operator under the terms of this Act, and every person who shall act as the proprietor of a beauty shop or other establishment where beauty culture and hairdressing are practiced, and every person who shall act as the proprietor, instructor, or teacher of a

school where beauty culture and hairdressing are taught in this State, without having obtained the license required under the provisions of this Act, and every person who wilfully employs a person to practice or teach beauty culture and hairdressing when such employee has no license as required by this Act, and every person who falsely pretends to be qualified to practice beauty culture and hairdressing under this Act, and every person who violates any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred (\$100.00) dollars nor less than twenty (\$20.00) dollars, and every such person shall be deemed guilty of a separate and distinct offense for each week or part thereof during which such practice or employment shall be repeated or conducted.

Sec. 16. It shall be the duty of the Board of Beauty Culture to cause each beauty shop and each school teaching beauty culture operated in this State, to be inspected at least once during each calendar year for the purpose of enforcing the provisions of this Act with reference to sanitation and the rules and regulations that may be prescribed by the Board for the protection of the public health. For the purpose of making such inspections, the Board is authorized to employ as many as nine persons, who have the qualifications of operators under this Act, and it shall be the duty of such inspectors to file complaints, institute prosecutions and to report to the county attorney of the several counties all violations of this law; and to report to the Board any and all infractions of its rules. The inspectors shall be paid a monthly salary of \$125.00 per month, together with actual and necessary traveling expenses. All expense accounts shall be presented on forms to be prescribed by the Board of Control and such accounts shall be paid after having been approved by the Board of Beauty Culture, on warrants signed by the secretary and chairman of said Board.

Sec. 17. The Board shall be authorized to make and promulgate such rules and regulations for the operation of schools teaching beauty culture and hairdressing and for the operation of beauty shops as may be reasonably necessary for the protec-

tion of public health and for the efficiency of such schools and shops.

Sec. 18. The fact that there is now no statute governing the operation of beauty establishments creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

By Jefferson.

H. B. No. 183.

#### A BILL

#### To Be Entitled

An Act regulating the occupation and practice of beauty operators; providing for the appointment of three (3) female members to the State Barber Board to supervise the licensing of persons, firms, associations or corporations to carry on and/or teach beauty culture practice; defining "Secretary" as used in this Act; providing rules regulating the practice of beauty culture and the teaching of beauty culture and the operation of beauty shops in this State; making an appropriation of Thirty-five Thousand Dollars (\$35,000.00) out of registration fees for the carrying out of this Act; providing the basis for paying employees; providing the provisions of this Act do not apply to cities of six thousand (6,000) population and under; providing a penalty for violation; providing that if any section or part of this Act be declared unconstitutional, it shall not affect the validity of the remaining portions or sections, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There shall be appointed by the Governor of this State three (3) female members to the State Barber Board, each of whom shall have had at least five (5) years of practical experience in the art of beauty culture, and who shall be a graduate of some recognized school of beauty culture of this or some other State. Their term of office shall be for two (2) years, four (4) years and six (6) years from the date of their first appointment made by the Governor and confirmed by a

two-thirds vote of the Senate of Texas. They shall be removed from the Board by the Governor for any just cause. The members of said Board shall annually elect from their number a president, and shall annually appoint a secretary who shall not be a member of the Board, the compensation of the secretary to be fixed by the Board not exceeding Twenty-five Hundred Dollars (\$2500.00) per year; said Board shall have authority to appoint such assistant secretaries as may be needed to carry out the work of said Board, and appoint such women as within their judgment are necessary to carry out the provisions of this Act, and said employees shall have the power to enter and inspect all beauty shops and schools. Said secretary shall be bonded in a sufficient amount payable to the State of Texas to insure the faithful performance of his or her duties to said State, the bond to be on file with the Secretary of State.

Sec. 2. Whenever the word "Secretary" is used in this Act it shall mean the Secretary of the State Barber Board.

Sec. 3. Members of said Board shall receive no regular salary, but shall, when on active duty pertaining to the requirements of said Board, receive not exceeding Ten Dollars (\$10.00) per day and Five (5) Cents per mile for mileage actually traveled, together with necessary expenses.

Sec. 4. It shall be the duty of the Board within thirty (30) days from the passage of this Act, to hold examinations in such places as, in their judgment, will be to the best interest and will be most convenient to the applicants.

Sec. 5. (a) It shall be left to the discretion of said Board to formulate such rules, regulations and qualifications as will be necessary for applicants to be licensed under this Act.

(b) When applicant has passed such examination as may be required by said Board and shall have been granted a certificate of registration, same shall be displayed in his or her place of business or place of employment. Each beauty operator desiring to be registered shall make

application to said Board in writing and shall pay a fee of Ten Dollars (\$10.00) for said registration, and each registered beauty operator shall be required to pay, beginning January 1, 1934, an annual renewal license of Three Dollars (\$3.00), said money to be paid to the Secretary of said Board and same shall be receipted for, and on the 15th day of each succeeding month all moneys so collected by said secretary shall be turned over to the State Treasurer of the State of Texas to the credit of a special fund to be known as the Beauty Parlor Fund to be held and disbursed by him to the expense of operating said Board. There is hereby appropriated out of registration fees collected, the sum of Thirty-five Thousand Dollars (\$35,000.00), or so much as may be necessary to carry out this Act. And it is further provided, that salaries of inspectors and one stenographer employed shall be paid on the same basis as paid barber inspectors and stenographers, and traveling expenses of inspectors shall be same as paid barber inspectors.

(c) Any person having made application to said Board for registration or licensing, and within sixty (60) days not having received said registration certificate, shall have returned to them said registration fee.

(d) Any person who has been engaged in the art of beauty culture for one or more years prior to the enactment of this Act shall not be required to stand said examination, but shall when making proper application be granted a certificate of registration by paying the regular registration fee.

Sec. 6. The Board shall have the right to revoke or cancel any license which may have been granted upon proper proof of misconduct of said licensed operator. The code of ethics and rules to be adopted by said Board and a copy of said rules and regulations to be mailed to each applicant together with their certificate of registration.

Sec. 7. (a) The term "beauty operator" or "beautician" shall mean anyone engaged in the practice of beauty culture, to-wit: dressing, curling, waving, cleansing, singeing, bleaching or bobbing the hair of any

woman or child in a beauty shop, or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetics of any kind, lotions or creams, cleansing, stimulating, manipulating, beautifying or similar work of the scalp, face, neck, arms, bust, or upper part of the body of any person.

(b) Any place or premises or parts thereof wherein or whereon any practice of beauty work, as defined in this Act, is being practiced, shall be known and construed under this Act to be a beauty shop or beauty school, and all operators within said shop or school, shall be liable to said Board and must qualify as beauticians or students.

Sec. 8. (a) The said Board shall, with the approval of the State Board of Health, prescribe such sanitary rules as may be necessary with particular reference to the precautions necessary to be employed to prevent the creating or spreading of any infectious or contagious diseases.

(b) It shall be the duty of the inspectors who are appointed by said Board to carry out such rules as may be imposed by the Board, and said inspectors shall have authority acting under said Board to inspect any beauty shop or beauty school operating in this State.

(c) All operators of schools or beauty shops shall comply with all rules pertaining to sanitary conditions prescribed by said Board as far as it is possible to do so.

Sec. 9. If at any time the Board shall receive competent evidence that any school of beauty culture or beauty shop failed or refused to comply with terms, rules and regulations as may be promulgated by said Board, or of such schools or shops being operated in a manner that will not meet with the approval of the State Board of Health, then said Board is empowered with authority to give said school or shop a notice within twenty (20) days of the impending charge, and the said school or shop owner shall be given a public hearing before said Board, and upon failure to appear and answer such charges preferred against such school or beauty shop, said Board will revoke said license of said school or shop and same shall not be re-

instated until proper corrections are made to comply with said rules and regulations.

Sec. 10. Provided the provisions of this Act shall not apply to cities of six thousand (6,000) population and under, according to the last Federal Census.

Sec. 11. Any person operating a school or beauty shop or who is engaged in beauty culture as defined in this Act, who shall neglect, fail or refuse to comply with the rules of said Board, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00); each and every day of violation shall be construed as a separate offense.

Sec. 12. Should any portion or section of this Act be declared unconstitutional, such decision shall affect that section or part of section only and shall not render invalid any of the remainder of the Act.

Sec. 13. The fact that there is now no statute covering the sanitary control, and control of owners and operators engaged in this business, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 23, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 831, A bill to be entitled "An Act the purpose of which is to safeguard the health of the people of this State by insuring the sanitary and healthful production and distribution of fluid milk and sweet cream; defining fluid milk, sweet cream, butter fat, commissioner and milk distributors; providing for the regulations of the sale and distribution of milk and sweet cream in city or town in which the distribution of milk is governed by a standard ordinance, rule or regulations and providing for a certificate of authority to be issued by the Commissioner of Agriculture, authorizing the dis-

tribution of milk and sweet cream in such city or town, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal, with committee amendment as follows:

Amend H. B. No. 831 by adding a new section to be known as Section No. 10, and renumbering Sections 10, 11, 12 and 13 to conform thereto, said section to read as follows:

Sec. 10. It is not the purpose or the intention of this bill to in any way provide for the interference of the public health provision of the production and distribution of milk from the State Board of Health as it is now administered; no provision of this bill shall be in any way construed so as to provide for the administration of any health law, rule, or regulation in any city or town in this State by any officer other than a duly qualified public health officer; it is further specifically provided that this bill shall not be construed so as to interfere with the present milk situation and public health supervision of the State Department of Health.

DeBERRY, Chairman.

By Anderson, H. B. No. 831.  
of Johnson.

#### A BILL

#### To Be Entitled

An Act, the purpose of which is to safeguard the health of the people of this State by insuring the sanitary and healthful production and distribution of fluid milk and sweet cream; defining fluid milk, sweet cream, butter fat, commissioner and milk distributors; providing for the regulations of the sale and distribution of milk and sweet cream in city or town in which the distribution of milk is governed by a standard ordinance, rule or regulations and providing for a certificate of authority to be issued by the Commissioner of Agriculture authorizing the distribution of milk and sweet cream in such city or town; preventing the sale of milk and sweet cream below cost; preventing the discrimination in price between different producers or distributors or between different sections;

providing fees to be paid by the distributors which shall be used in the enforcement of this Act; providing penalties for violation of the provisions of this Act; providing if any part of this Act is declared unconstitutional, it shall not affect the validity of the remainder of the Act; providing no part of this Act shall affect, change or alter any Anti-trust Statutes of this State, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. (a) The term "person" when used in this Act means an individual, firm, co-partnership or corporation, distributing, manufacturing, or otherwise dealing in milk and/or milk products in the State of Texas.

(b) The term "fluid milk" when used in this Act means the fresh, clean lacteal secretion obtained by milking cows, and which secretion has not soured, nor been skimmed or separated so as to have had substantially all the butter fat removed therefrom, nor been churned, nor been evaporated or condensed, nor been reduced to a powdered form, provided, however, the purchase and/or sale of buttermilk and/or goat's milk are hereby exempt from all provisions of this Act.

(c) The term "sweet cream" when used in this Act means that portion of fluid milk rich in butter fat which rises to the surface of milk on standing, or is separated from milk by centrifugal force. For the purpose of this Chapter, any fluid milk which has its natural butter fat content increased so as to cease to come under the definition of fluid milk shall be deemed to be sweet cream.

(d) The term "butter fat" when used in this Act means the natural occurring fat from the milk of cows.

(e) The term "Commissioner" when used in this Act means the Commissioner of Agriculture of the State of Texas.

(f) The term "milk distributor" when used in this Act means any person or corporation as herein defined who engages in the process of placing fluid milk or sweet cream in bottles or containers of less size than one gallon capacity for the purpose of selling or offering for re-sale, such

fluid milk or sweet cream in such bottles or containers, or who purchases fluid milk or sweet cream in containers of a capacity of one gallon or more for the purpose of reselling or offering for re-sale such fluid milk or sweet cream in any size bottle or container, and any such person or corporation shall be deemed to be engaged in the business of distributing fluid milk or sweet cream.

Sec. 2. The terms and provisions of Section 3 of this Act shall apply only to those cities and towns in which regulations are imposed by city ordinances or other city governing bodies, requiring certain standards and promulgating rules governing the sanitary and healthful production of milk. The application of Section 3 of this Act to any city or town so establishing and promulgating rules and regulations shall be for the purpose of putting into effect and of making possible the application of such standards, rules and regulations.

Sec. 3. The buying or selling of milk or milk products below cost with the intent and with the effect of injuring a competitor and where the effects may be to lessen competition or tend to create a monopoly or restrain trade is hereby declared to be unlawful.

In determining "cost" of milk and milk products the Commissioner shall take into consideration and have due regard for the expense of preserving, handling and selling milk and milk products as well as the purchase price of such products and it shall bear its proportion of general cost of doing business, including overhead, interest and any and all items which are taken into consideration in the determination of general costs. The Commissioner shall have the right to examine the records of such parties and persons dealing in milk and milk products for the purpose of determining cost.

No person engaged in the production or distribution of milk or milk products in the course of such business shall either directly or indirectly discriminate in price between different producers or distributors of milk or milk products where the effect of such discrimination may be to substantially lessen competition or create a monopoly; such discrimina-

tion is hereby declared to be unlawful; provided, however, that nothing herein contained shall prevent discrimination in price between producers or distributors of the same class on account of reasonable difference in grade, quality, or quantity of the products or that makes due allowance for differences in the cost of selling or transporting, or discrimination in price in the same or different communities made in good faith to meet legitimate competition, and provided further that nothing herein contained shall prevent such person engaged in buying or selling milk or milk products from selecting their own customers in bona fide transactions and not in restraint of trade.

Sec. 4. It shall not be lawful for any person to engage in the business of distributing fluid milk or sweet cream in any city or town where there exist standard ordinances or rules and regulations governing the sale and distribution of milk without first procuring an annual certificate of authority from the Commissioner of Agriculture.

Sec. 5. The Commissioner shall have the power and authority and it shall be his duty to prevent the purchase or sale of milk or milk products in this State in violation of Section 3 or 4 of this Act. Upon the written request of one representative producer, one representative distributor and one representative consumer it shall be the duty of the Commissioner to conduct a hearing either in person or by certified transcripts and proper affidavits to determine whether or not Sections 3 and 4 of this Act have been violated. The hearing shall be conducted at a place and at a time determined by the Commissioner, and he shall have the right to subpoena witnesses. Upon the conclusion of such hearing the Commissioner shall have the power to make and enter proper orders, revoking the license of any person found to have violated Section 3 or 4 of this Act, and to determine when and upon what conditions such license may be renewed. All orders made and entered by the Commissioner shall be final unless written protest by such interested person shall be made to the Commissioner within thirty (30) days after the hearing. It shall be the duty of the Commissioner, within five (5) days after said protest, either to modify

or withdraw such orders, or refuse to modify or withdraw such orders and if such orders are not modified or withdrawn, the interested person or persons shall have the right to appeal to the district court in which such protesting party resides for relief, which shall be secured under a trial de novo. In such suit the Commissioner shall be represented by the Attorney General.

Sec. 6. Any person who shall violate any provisions of this Act shall be subject to a fine of not more than one hundred (\$100.00) dollars and each wrongful sale as hereinabove defined shall constitute a separate offense, provided, however, that no person shall be liable for any fine until after a fair and complete hearing before a regularly constituted court of this State.

Sec. 7. The certificate of authority shall state the maximum daily gallonage of fluid milk and sweet cream aggregately that may be handled as herein provided by the person or corporation to whom it is issued. It shall be unlawful for any such person, firm or corporation to handle during any day an amount of fluid milk and sweet cream in excess of the maximum daily gallonage authorized by said certificate of authority. The gallonage of fluid milk and sweet cream handled shall be determined by the amount of such fluid milk and sweet cream aggregately which is purchased by the person or corporation which engaged in the business of distributing fluid milk or sweet cream, except that if the milk distributor produces such fluid milk or sweet cream then the gallonage handled shall be determined by the amount of such fluid milk and sweet cream aggregately which is sold by such milk distributor.

Sec. 8. For the purpose of defraying the expenses of administering and enforcing this Act, every milk distributor now operating or which shall hereafter operate in this State, shall, in addition to other fees and charges provided for by law, at the time of the issuance of a certificate of authority as provided herein, and annually thereafter, on or between September 1st and September 15th of each calendar year, pay a fee computed on the basis of not to exceed three (3) cents per gallon of the maximum daily gallonage of fluid milk and sweet cream which

such milk distributor may be authorized to handle. If the certificate of authority is issued after the month of September of any year, the fees shall be proportionate to the remaining part of the year ending August 31st following, but in no case less than one-fourth of the annual fee, provided that said certificate may be amended at any time so as to allow any necessary increase, upon the payment of additional fees at the rate herein provided.

All fees accruing hereunder shall be payable to the State Treasurer at Austin, Texas, and shall by the State Treasurer be deposited in the State Treasury at Austin and credited to the fund to be known and designated as the "Milk Distribution Fund," and out of which all warrants for expenditures necessary in administering and enforcing this Act shall be paid. Such warrants shall be drawn by the Comptroller of Public Accounts on order or voucher approved by the Commissioner of Agriculture. Any surplus remaining in the Milk Distribution Fund at the end of any fiscal year after paying all expenditures necessary in administering and enforcing this Act, together with such sum as may be reasonably estimated to be necessary for such purposes by the Commissioner pending further collection of fees, shall be paid over to the General Revenue Fund.

Sec. 9. The Commissioner shall have the power and authority and it shall be his duty to do and perform all necessary things to carry out the purpose, intent and provisions of this Act whether herein specifically mentioned or not, and in addition to the other penalties herein provided, the Attorney General at the direction of the Commissioner shall enjoin any practice or method violative of this chapter in a court of competent jurisdiction in the county where such violations occur.

Sec. 10. It is especially provided no provision of this Act shall in any that nothing herein shall in any manner affect, alter, diminish, change or modify the anti-trust and/or monopoly Statutes of this State, and that manner directly or indirectly authorize a violation of such anti-trust and/or monopoly Statutes; and in this connection it is hereby declared and especially provided by the Legislature of the State of Texas enact-

ing this legislation, that it is the intent of said Legislature that no provision of this Act shall in any manner affect, alter, diminish or amend any provision of anti-trust and/or monopoly Statutes of this State, or in any manner authorize a violation of such anti-trust and/or monopoly Statutes. It is further especially provided that if any provision of this Act shall be so construed by any court of this State as to in any manner affect, alter, diminish or modify any provision of anti-trust and/or monopoly Statutes of this State, then in that event, any such Section, sub-section, sentence or clause or any provision of this Act so construed, if conflicting with said monopoly and/or anti-trust Statutes, is hereby declared null and void rather than the anti-trust and/or monopoly Statutes of this State.

Sec. 11. If any section or provision of this Act should be declared unconstitutional or invalid for any reason, it shall not affect any other provision or portion of this Act, and the same shall remain in full force and effect.

Sec. 12. All laws or parts of laws in conflict herewith are hereby expressly repealed.

Sec. 13. The importance of this Act and the fact that there is no law regulating the production and distribution of fluid milk and sweet cream, and the necessity for protecting and safeguarding the health of the people of this State in the regulated production of sanitary milk, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### SEVENTY-FIFTH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
May 24, 1933.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Bills Introduced.

By unanimous consent, the rule relating to the introduction of bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Small:

S. B. No. 568, A bill to be entitled "An Act amending Subdivision 31 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, as amended by Chapter 6, Acts of the Regular Session of the Forty-first Legislature; providing for changing and prescribing times of holding court in the 31st Judicial District of Texas; validating and continuing all processes and writs, bonds, and recognizances, and making them returnable to the terms of court in the several counties in said district as herein fixed; validating the summoning of grand and petit jurors under the present law so as to render them available under the present Act; enacting proper provisions relative to any term of court that may be in session when this Act takes effect; repealing all laws in conflict herewith, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Holbrook:

S. B. No. 569, A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps and other expenses, necessary in performing the duties required of the State Treasurer in the administration of the provisions of Chapter 13, Acts of Third Called Session of the Forty-second Legislature, during the fiscal years of 1933-1934 and 1934-1935, to be paid out of interest earned on the daily balances of 'paying fund of the board of county and district road indebtedness,' and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Holbrook:

S. B. No. 570, A bill to be entitled "An Act making an appropriation for the purpose of providing postage, insurance, stamps and other expenses, necessary in performing the duties required of the State Treas-